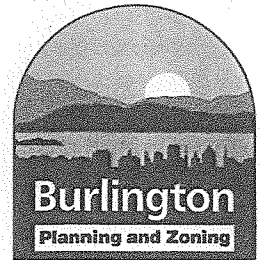


Department of Planning and Zoning

149 Church Street
Burlington, VT 05401
Telephone: (802) 865-7188
(802) 865-7195 (FAX)
(802) 865-7142 (TTY)

David White, AICP, Director
Ken Lerner, Assistant Director
Sandrine Thibault, AICP, Comprehensive Planner
Jay Appleton, Senior Programmer
Scott Gustin, AICP, Senior Planner
Mary O'Neil, AICP, Senior Planner
Nic Anderson, Zoning Clerk
Elsie Tillotson, Department Secretary



TO: Development Review Board
FROM: Scott Gustin *SG*
DATE: November 19, 2013
RE: 97 Dunder Road

Enclosed is a communication from Don & Carroll Albertson, the owners of 97 Dunder Road and the permittees of zoning permit 13-1098CA. This zoning permit was appealed by neighbors and upheld by the DRB on July 16, 2013 subject to the following additional conditions:

1. Within thirty (30) days from the date of the signed findings, the owner shall provide to the DRB a detailed construction schedule for completion of the project. This schedule is subject to review and acceptance by the Board.
2. The approved work under the permit, with these additional conditions, shall be completed within six (6) months of acceptance of the schedule by the Board. The owner shall obtain a final Certificate of Occupancy for all of the approved work within eight (8) months of the date of acceptance of the construction schedule by the Board.
3. The owner shall provide a detailed written report to the DRB on the status of the work and compliance with the approved construction schedule within sixty (60) days after the date of acceptance of the construction schedule by the Board.

Condition 1 was missed; however, the Code Enforcement Office offered a subsequent 10 day timeline for submission. A schedule was provided within the 10 day time frame provided by Code Enforcement. That schedule, however, does not comply with the DRB's condition 2.

RECEIVED

OCT 18 2013

DEPARTMENT OF
PLANNING & ZONING

DON ALBERTSON
1125 PINE ST
BURLINGTON, VT
05401
OCT 18, 2013

TO WHOM IT MAY CONCERN—
AT PLANNING & ZONING,
PUBLIC WORKS, AND
ANY OTHER CITY DEPT

RE: 97 DUNDER ROAD, BURLINGTON, VT

THIS IS TO AUTHORIZE JOHN MARTIN,
OUR BUILDER, TO ACT IN OUR BEHALF
IN DELIVERING CORRESPONDENCE &
PICKING UP PERMITS.

Don Albertson

RECEIVED

OCT 18 2013

CONSTRUCTION SCHEDULE: 97 DUNDER ROAD, BURLINGTON, VT

DEPARTMENT OF PLANNING & ZONING													
WINTER, 2014			SPRING, 2014			SUMMER, 2014			FALL, 2014				
OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT		
WINTER, 2015			SPRING, 2015			SUMMER, 2015			FALL, 2015				
OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT		
WINTER, 2016			SPRING, 2016			SUMMER, 2016			FALL, 2016				
OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT		
SITework:													
FRONT WALLS			FRONT STONE WALLS, FILL, GRADING						NORTH STONE WALLS, FILL, GRADE, DRIVEWAY			LANDSCAPE	
UP-GRADING SHELL & SUPER-INSULATION:													
NORTH WALL: FRAMING, INSULATION, SHEATHING						AIR TUNNEL & HEAT EXCH.							
CHIM. SHAPE, CRAWL SPACES, INSULATION, SHEATHING						FRAMING, DECK, RAILINGS							
BALCONY						AS IT OCCURS							
MISC:													
SOUTH ADDITION:													
SHELL			DRAWINGS			PERMITS			FDU-FLOOR				
						FRAMING			ROOF				
									SUPER-INSUL.				
DOORS, WINDOWS, & EXTERIOR:													
ENTRY DOORS						FRAME OPNG, INST.							
R-5 WINDOW INSTALLMENT						WINDOWS, PATIO DOORS							
SIDING & TRIM						D.P. + SIDING + TRIM							
MECHANICAL & ELECTRICAL:													
ELECTRICAL													
PLUMBING													
HEATING & VENTILATING:													
INTERIOR DEVELOPMENT:													
MISC. FRAMING													
WALL SURFACES													
CEILING FINISHES													
WALLS: PAINT/FINISHES													
INTERIOR FINISHES:													
FLOORS													
KITCHEN													
STORAGE													
INTERIOR													
MILLWORK													
MISC. ITEMS & FINISHES													

CERTIFICATE OF OCCUPANCY

CERTIFICATE OF OCCUPANCY

← FOCUS ON EXTERIOR → FOCUS ON INTERIOR →

FOR WRITTEN SUPPORT INFORMATION, SEE THE FOLLOWING:

- "GOALS, OPPORTUNITIES, REALITIES, & SCHEDULE: 97 DUNDER ROAD", AUGUST 14, 2013
- "FOCUS ON COMPLETING THE SHELL: 97 DUNDER ROAD, BURLINGTON, VT", SEPT. 14, 2013

SCHEDULE SUBMITTED TO
ZONING & D.R.B. 10-18-2013.
Don Albertson
RE: JEANNE FRANCIS E-MAIL
OF OCT. 9, 2013

1125 Pine St.
Burlington, VT 05401
October 24, 2013

Jeanne Francis, Zoning Compliance Officer
Code Enforcement Office, *COPY TO ZONING*
645A Pine Street PO Box 849
Burlington, VT 05402-0849

RECEIVED

OCT 25 2013

Re: 97 Dunder Road, Burlington, VT Tax Lot #059-1-012-000
Alleged Zoning Violation # 256656 Is Wrong! Response Was Timely

DEPARTMENT OF
PLANNING & ZONING

Dear Ms Francis:

We appreciate Jeanne Francis' e-mail of Wednesday, October 09, 2013 and want you to know that we responded in a timely fashion on Friday, October 18, 2013. We picked up the zoning permit and provided a detailed construction schedule in the latter part of the afternoon, delivering it to the zoning office c/o Scott Gustin. We feel that we are not in violation of the zoning!

John Martin, our builder, made the visit on our behalf at about 3:45 pm Friday, October 18. John talked to at least four people while he was there:

Front Desk: John brought the envelope to the front desk, where it was opened, inspected for content, and logged in. A man and a woman were covering the receiving process, and clearly understood that the project was 97 Dunder Road. John picked up the zoning permit. He also gathered a variety of resource materials and made the comment that we were using about 10" of insulation (wall combination). The man commented "That's some serious insulation", which is one of the points we have been making.

Zoning Authorities: John requested clarification regarding the separation between zoning permits and building permits. The desk called out two zoning experts who apparently were Scott Gustin and a lady named Jeanne. John said the lady seemed to be one of the top people, so we thought she might have been Jeanne Francis. Scott & Jeanne both confirmed that any insulation board and wrapping enclosure on the exterior of the stud walls would be a part of the Building Permit. This view had also previously been confirmed to John by Ned Holt of the Building Permit Department. *That's an important clarification that insures that Zoning has no objection to us doing such work under the building permit.* For more background, please see page one of "Focus On Completing the Shell", September 14, 2013.

Please remove the alleged violation!

We appreciate Jeanne Francis' October 9th e-mail: When combined with our response of October 18th, it should allow us to move on in a positive and productive fashion. *We simply want to have a conflict-free and violation-free zoning permit, so that we can legitimately obtain other permits.* We would now like to safely move on to actual construction work, and not be distracted by additional paperwork. Hopefully this represents a renewed and positive step forward!

Reviewed & Verified by-

John Martin



Best Regards,



Don & Carroll Albertson

Copies to Zoning/DRB (Jeanne Francis & Scott Gustin) and to Code Enforcement (Bill Ward)

Scott Gustin

From: Jeanne Francis
Sent: Wednesday, October 09, 2013 2:45 PM
To: 'daaarcheng@aol.com'
Cc: Scott Gustin; Ken Lerner; William Ward; Ned Holt
Subject: 97 Dunder Road
Attachments: Dunder Rd 97 Scott.docx

Mr. Albertson, as you may recall, on May 13, 2013 a certified notice of violation was mailed to you citing: commencing work under an invalid zoning permit, ZP 10-0576CA. To remedy the violation you opted to obtain a new zoning permit to continue work on your house.

ZP 13-1098CA *Continue renovation of single family home based on previously expired zoning permit #10-0576CA* was approved on May 17, 2013 subject to 4 project conditions and standard permit conditions 1-15. The permit was appealed to the DRB on May 31, 2013, went to DRB for a hearing on July 2, 2013, and DRB upheld staff's decision to issue the permit on July 16, 2013.

Project Permit Conditions:

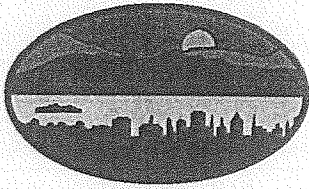
1. Except as specifically modified in this zoning permit approval, all conditions of zoning permit #10-0576CA shall remain in effect.
2. Within thirty (30) days from the date of the signed findings, the owner shall provide to the DRB a detailed construction schedule for completion of the project. This schedule is subject to review and acceptance by the Board.
3. The approved work under the permit, with these additional conditions, shall be completed within six (6) months of acceptance of the schedule by the Board. The owner shall obtain a final Certificate of Occupancy for all of the approved work within eight (8) months of the date of acceptance of the construction schedule by the Board.
4. The owner shall provide a detailed written report to the DRB on the status of the work and compliance with the approved construction schedule within sixty (60) days after the date of acceptance of the construction schedule by the Board.

On August 26, 2013 Scott Gustin, Planning/Zoning Office, wrote you a letter (see attached) stating the construction schedule was not filed in a timely fashion and he would forward the matter to the Code Enforcement Office. It has come to our attention that the zoning permit has not been released (ie. picked up by yourself), so the Code Enforcement Office will extend the time to submit a complete construction schedule within 10 calendar days (from today's date) and to pick up your zoning permit; the schedule is subject to review and approval by Scott Gustin from the Planning/Zoning office, call him at 865-7189 should you have questions.

If the deadline is not met, our office will proceed with legal enforcement.

Should you have questions, don't hesitate to call me at 864-8518 or e-mail me at the above address.

Jeanne Francis, Zoning Specialist



ZONING PERMIT
CERTIFICATE OF APPROPRIATENESS
City of Burlington, Vermont
Department of Planning and Zoning

Application Date: 5/10/2013

Appeal Expiration Date: 6/1/2013

Project Location: 97 DUNDER ROAD

District: RL-W

Owner: Donald A Albertson
Address: 1125 Pine Street
Burlington VT 05401

Ward: 5

Tax ID: 059-1-012-000

Project Type: Residential - Renovation/Facade

Project Description: Continue renovation of single family home based on previously expired zoning permit #10-0576CA.

Construction Cost:	\$100,000	Lot Size (Sq Ft):	17,893
Net New Habitable Sq Ft:	0.00	Net New # of Housing Units:	0
Existing % Lot Coverage:	18.90	Existing # of Parking Spaces:	2
Proposed % Lot Coverage:	19.40	Proposed # of Parking Spaces:	2
Net New % Lot Coverage:	0.50	Required # of Parking Spaces:	2

Zoning Permit #: 13-1098CA

Decision By: Administrative

Level of Review: 2

Decision: Approved

See Conditions of Approval

Decision Date: May 17, 2013

Project File #: NA

Zoning Administrative Officer

An interested person may appeal a decision of the Zoning Administrator to the Development Review Board until 4 pm on June 1, 2013.

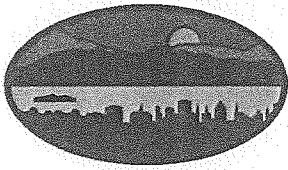
Fee Type	Amount	Paid in Full	Balance Due:
Application Fee:	\$80.00	Yes	(\$80.00)
Development Review Fee:	\$0.00	NA	
Impact Fee:	Not Applicable		

VIOLATION
FEE TO
CODE
NA

Building Permit Required: Yes

Permit Received by:

Date: 10/18/13



City of
Burlington, Vermont
149 Church Street

Zoning Permit - COA Level I – Conditions of Approval

ZP #: 13-1098CA

Tax ID: 059-1-012-000

Issue Date: July 16, 2013

Decision: Approved

Property Address: 97 DUNDER ROAD

Description: Continue renovation of single family home based on previously expired zoning permit #10-0576CA.

Project Permit Conditions:

1. Except as specifically modified in this zoning permit approval, all conditions of zoning permit #10-0576CA shall remain in effect.
2. Within thirty (30) days from the date of the signed findings, the owner shall provide to the DRB a detailed construction schedule for completion of the project. This schedule is subject to review and acceptance by the Board.
3. The approved work under the permit, with these additional conditions, shall be completed within six (6) months of acceptance of the schedule by the Board. The owner shall obtain a final Certificate of Occupancy for all of the approved work within eight (8) months of the date of acceptance of the construction schedule by the Board.
4. The owner shall provide a detailed written report to the DRB on the status of the work and compliance with the approved construction schedule within sixty (60) days after the date of acceptance of the construction schedule by the Board.

Standard Permit Conditions:

1. **Other City, State or Federal Permits.** The owner is solely responsible for obtaining all other required City, state and federal approvals. Failure to do so may invalidate this Zoning Permit and result in enforcement actions.

Note: All projects receiving a Zoning Permit also require a Construction Permit or written confirmation that a Construction Permit is not required from Department of Public Works-Inspection Services Division (DPW-ISD). All construction permits must be closed out by way of approved inspections by DPW-ISD before issuance of a Unified Certificate of Occupancy (UCO) by the Code Enforcement Office as per Condition 3, below.

2. **Time Limits.** See "Project Permit Conditions" above for time limits.

These time limits are binding upon the owner unless one of the following apply: a) longer or shorter time limits are specifically imposed by a condition of approval; or b) the time limits are tolled by additional state or federal permitting for the project or by an appeal; or c) an extension of time has been granted. An extension of time must be requested in writing PRIOR to the expiration of the permit. If the owner has enacted the permit and it lapses, the owner may be responsible to obtain a new zoning permit, if required, which shall be subject to the current Comprehensive Development Ordinance (CDO).